

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING DIVISION**

MARK MCEVOY, *et al.*,
Plaintiffs,

v.

DIVERSIFIED ENERGY COMPANY PLC,
et al.,
Defendants.

Civil Action No. 5:22-cv-00171-JPB
Judge John P. Bailey

DEFENDANTS' NOTICE OF APPEAL

Pursuant to the 28 U.S.C. § 1291, Defendants Diversified Energy Company PLC; Diversified Gas & Oil, PLC; Diversified Oil and Gas LLC; Diversified Production LLC; Diversified Gas & Oil Corporation; Alliance Petroleum Corporation;¹ EQT Production Company; EQT Production HTW, LLC; EQT Energy LLC; EQT Investment Holdings, LLC; EQT Gathering, LLC; and EQT Corporation appeal to the United States Court of Appeals for the Fourth Circuit from the Order (ECF No. 303) entered on June 1, 2023, denying Defendants' Motion for Judgment on the Pleadings based on Plaintiffs' failure to join West Virginia's Department of Environmental Protection. *See Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 69 S. Ct. 1221, 93 L. Ed. 1528 (1949).

¹ Diversified Gas & Oil, PLC now operates as Diversified Energy Company PLC; Alliance Petroleum Corporation now operates as Diversified Production LLC; and Diversified Oil and Gas LLC does not exist. Likewise, EQT Production HTW, LLC does not exist.

Respectfully submitted:

Dated: June 30, 2023

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 30, 2023 a copy of the foregoing was served on all counsel of record via the Court's electronic filing system.

/s/ Howard Persinger, III

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